



BALTIMORE COUNTY
DEPARTMENT OF PLANNING

Affirmative Fair Housing Marketing Plan
&
Applicants Guide

2017

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UNDERSTANDING AFFIRMATIVE MARKETING

What is Affirmative Fair Housing Marketing (AFHM) and why do we have to do it? To answer that question we first must understand the word affirmative. In this context it means to promote fair housing and to empower and give special assistance to groups that have historically been disadvantaged. It is simply not enough to not discriminate; we must also take assertive steps aimed at reversing historical trends and discriminatory patterns. The Baltimore County Economic Development Revolving Financing Fund is established in an earnest effort to affirmatively further fair housing. The AFHM plans are one part of that effort. The purpose of the AFHM requirement is to promote a condition in which individuals of similar income levels in the same housing market area have available to them a like range of choices in housing regardless of their race, religion, color, national origin, sex, disability or familial status. See note next page.

Historically, traditional residential marketing practices have conditioned people to view certain neighborhoods or groups as undesirable or that certain locations are not available to them due to past discrimination or other factors. Through an affirmative marketing plan, a developer indicates what special efforts the developer will make to reach out to potential tenants who might not normally seek housing in their project due to this mindset. This requires that the developer study the market area, learn the target population and design methods to reach out to the target population. Affirmative marketing does not limit choices; it expands choices by actively seeking to reverse the patterns of the past and truly provide for an open and fair housing market where the individual is free to live where the individual chooses.

Affirmative marketing does not include specific goals or quotas. However, quantitative data and analysis are essential to planning and monitoring affirmative marketing program effectiveness. Affirmative marketing adds little to the cost of a housing project. Most of the cost associated with affirmative marketing is already reflected in the project's broader marketing budget.

The Baltimore County Department of Planning (DP) is committed to working with all project owners to develop, implement and annually review and assess the AFHM plans. These directions serve as a guide to assist those who are recipients and sub-recipients of DP's program funds. This Guide is not a substitute for obtaining legal advice. It summarizes AFHM plans and affirmative marketing procedures as required by DP and provides step by step instructions on how to

effectively develop the marketing plan to ensure it has the greatest possible impact.

BALTIMORE COUNTY DEPARTMENT OF PLANNING

AFFIRMATIVE MARKETING POLICY

In furtherance of the Baltimore County Department of Planning's commitment to non-discrimination and equal opportunity in housing and its commitment to affirmatively further fair housing, the following procedures are hereby established. These procedures are intended to further the objectives of Title VIII of the Civil Rights Act of 1968 and Executive Order 11063 and Article 29 of the Baltimore County Code.

DP believes that all families and individuals should have available to them a range of decent, affordable housing choices regardless of their race, religion, color, national origin, sex, disability or familial status.

DP is committed to the goals of Affirmative Marketing which will be implemented through the following procedures:

1. HOUSING DEVELOPMENT FINANCE ACTIVITIES

DP shall apply these procedures to its own marketing efforts and will inform the public, potential grantees and sub-recipients about this policy through:

- a. Placing a link to this Guide on DP's website.
- b. Providing technical assistance through training and written information to owners or developers of housing assisted through DP's programs.
- c. Annually reviewing the marketing activities of recipients of financial assistance to ensure compliance with the previously approved marketing plan.

2. PROJECT OWNER RESPONSIBILITIES

The following requirements apply to any owner/developer of multi-family housing projects consisting of 5 or more units and to owners/developers of

single family homes who developed 5 or more units in the previous 12-month period OR who plan to develop 5 or more units within the following 12 months. DP requires the utilization of affirmative fair housing marketing practices in soliciting renters or buyers, determining their eligibility, and completing all transactions. All owners shall comply with the following requirements for the duration of the applicable compliance period.

a. **Advertising**

The Equal Housing Opportunity logo or slogan shall be used in all signs, ads, brochures, and written communications. Advertising media shall include, but is not limited to, any local, regional, ethnically targeted newspaper, radio or television station, brochures, leaflets, bulletin boards, project signs, websites or other housing organizations.

b. **Fair Housing Poster**

Owners shall display the HUD fair housing poster in all rental and sales offices and locations where potential tenants/buyers are likely come to apply for housing.

c. **Project Sign**

Owners shall post in a conspicuous position on all project sites a sign displaying prominently either the HUD approved Equal Housing Opportunity logo or slogan or statement.

d. **Submission of an Affirmative Fair Housing Marketing Plan**

Owners shall submit a Form HUD-935.2A for multifamily projects or Form HUD-935.2B for single family projects. Refer to the Affirmative Fair Housing Marketing Plan Applicants Guide for detailed instructions regarding the submission of the plan.

e. **Training**

Owners shall maintain a nondiscriminatory hiring policy and shall at minimum annually instruct all employees and agents in writing and orally of this policy and in fair housing rules.

3. RECORD KEEPING

- a. Owners shall maintain a file at each project office which contains documentation of all marketing efforts (copies of newspaper ads,

memos of phone calls, copies of letters, brochures, flyers etc.). The marketing file must also include the approved Form HUD-935.2A or Form HUD-935.2B and the letter from DP that specified approval of the plan. These records must be available for inspection by DP upon request. These records must be retained for a period of five (5) years.

- b. Owners shall maintain a listing of all tenants and applicants. The list must include the unit number if applicable, the tenant/applicant's race, whether they utilize or are seeking an accessible unit, whether they have children and how they became aware of the availability of the unit(s).

4. ASSESSMENT OF MARKETING ACTIVITIES & CORRECTIVE ACTIONS

- a. **Timing of assessment**

- i. DP will annually review the marketing activities to determine compliance with the previously approved plan.

- b. **Assessment Procedure**

- i. The marketing activities will be assessed by DP through a variety of methods including, but not limited to, review of records in the marketing file and examining the number of referrals received from community or minority organizations, the number of calls, visits or walk-ins due to outreach or advertising. The assessment will also include a comparison between the projects tenant/waiting list and the housing market area to determine if the marketing is adequately reaching those groups that were previously identified in Box# 3b of the plan.
 - ii. Owners shall design and implement an AFHM plan, retain marketing documents, maintain accurate files, participate in the annual review, and implement changes in plans when corrections are required. Owners shall keep the signed approval letter with the AFHM plan at all times. Failure to comply with any of the requirements in this Guide may lead to

corrective actions up to and including being prohibited from receiving future Baltimore County/federal funds for housing development projects.

OVERVIEW OF THE AFHM PLAN

The Affirmative Fair Housing Marketing Plan (AFHMP) is a marketing plan designed to attract buyers and renters of all majority and minority groups regardless of race, religion, color, national origin, sex, disability and familial status to assisted rental units and single family dwellings that are being marketed for sale/rent while providing the opportunity to target specific groups who may need special outreach to be made aware of and apply for the housing. All AFHMPs also must include, at a minimum, the following provisions:

1. Prohibit income requirements for prospective tenants with Housing Choice Vouchers or similar vouchers;
2. Eliminate local residency preferences;
3. Ensure access to leasing offices for individuals with disabilities
4. Provide flexible application and office hours to allow working families and individuals to apply;
5. Encourage credit references and testing that take into account the needs of individuals with disabilities or special needs; and
6. Provide meaningful access to project information for Limited English Proficiency families and individuals

The creation of an AFHMP can be broken down into the following four areas:

1. **Targeting:** Identify the segments of the eligible population which are least likely to apply for housing without special outreach efforts. This is done by first establishing a housing market area. This is the area where you will reasonably expect to find tenants who wish to apply for units at the property. This can be a census tract, multiple tracts, a county or more than one county. Once the area is defined, review the demographic information in the census and other available data and determine what groups of people

living in your area are the least likely to apply to live in your project without you actively seeking them out with this marketing plan.

2. **Outreach:** Once you have identified the groups you need to target, you must develop an outreach program that includes special measures designed to attract those groups and other efforts designed to attract persons from the total population. This is where you can be creative. Devise ways to reach the population you identified in step 1 that are unique to your area. What groups can you work with who have contact with the people you are trying to reach? Are there any minority or disability groups in your area that can help you spread the word about your available units? Do the units you have available meet specific needs of the people in your area, e.g. transportation, accessibility, proximity to services, etc.? If so, how can you let them know what you units offer? Think outside the box and focus on what ways you can use to reach the groups you identified.
3. **Assessment Indicators:** Develop a plan for what information you are going to track that will allow you to measure the plan's effectiveness. This is another area where you have the freedom to be creative. Some examples of methods that can be used include:
 - a. Noting if the program effectively attracted buyers or renters who are from the majority and minority groups including individuals with disabilities and families with children as represented in the total population of the housing market area;
 - b. Tracking how many referrals you have received from the groups you utilized.
 - c. Logging how many walk-ins or phone inquiries are received from people who indicate they are responding to your marketing.
4. **Staff Training:** DP is committed to being a resource for project owners regarding fair housing training. Training is an ongoing commitment to fair housing and there is always more to learn. It is assumed that most organizations cannot send every one of their employees to training so it is

imperative that those who do receive training via DP are able to then take that knowledge back to their organizations and train the rest of the staff. DP will work with owners to increase their knowledge of fair housing principles and will monitor their capacity to pass that education on to the full staff.

GOOD FAITH EFFORT

The effectiveness of a plan will be measured not by quotas but by an examination of the effort utilized in the implementation of the marketing plan. During the annual review, DP will be seeking evidence of good faith efforts on the part of owners to effectively utilize their plans. The plan cannot be developed and approved and then sit in a drawer until the next year. Owners must keep documentation of all marketing efforts during the year so that it can be reviewed annually and a determination can be made on whether owners have acted in good faith in following their plan. Good faith efforts can be documented in the following ways:

1. **Advertising:** Maintain records, for a period of five (5) years, of any advertising in print and electronic media that was placed in publications or locations that are primarily viewed or listened to by those groups you identified in step 1 above;
2. **Marketing:** Keep records, for a period of five (5) years, of efforts where you communicated or worked with specific community, religious or other organizations frequented by those groups identified in step 1. Work with these groups to set up a referral network and track any referrals that come from these groups.
3. **Develop a brochure or handout:** The brochure or handout should describe facilities or services that your project offers, or that are available in close proximity, which can be used by buyers or renters, e.g., transportation services, schools, hospitals, industry, and recreational facilities. The brochure should also describe how the proposed project will be accessible to physically disabled persons and state that reasonable accommodations will be made for individuals with disabilities;
4. **Training:** This is a very important component in determining if an owner is operating in good faith. Owners should track and maintain records, for a period of five (5) years, which indicate that the sales/rental staff has read and understood the Fair Housing Act, and the purpose and objectives of the AFHM Plan. Owners should engage in training their staff at least annually

and be able to provide details as to the content of the training the staff received.



Affirmative Fair Housing Marketing Plan Tip Sheet

Form 935.2a Multi-Family

BOX #	INSTRUCTIONS
1a.	This item is self-explanatory. The most frequent omission is that the county is left out.
1b.	Provide the project's Section 8/PRAC number or provide the FHA# if applicable.
1c.	List total number of units in the project.
1d.	Provide Census Tract for where the project will be built. This information can be found by clicking the link below, typing in the project's address, then click "GO". http://factfinder2.census.gov/faces/nav/jsf/pages/searchresults.xhtml?ref=addr&refresh=t
1e.	List the housing market area (town/city/county) from which the owner/agent intends to draw applicants. If the immediate housing market area is not demographically diverse enough to draw applicants that were identified as least likely to apply, an expanded housing market area should be listed to increase the diversity of individuals to be reached by the marketing efforts.
1f.	Provide the name, address, telephone number and email of the management agent .
1g.	Provide the name, address, telephone number and email of the owner .

1h.	Check the box to identify which entity will be responsible for marketing (owner, agent, or other). Also, identify the name, address, telephone and email of the person within that entity who will be responsible for implementing the marketing plan.
1i.	Provide a contact person to whom all correspondence (including approval of this plan) should be sent. Provide name, address, telephone number and email for this contact person.
2a.	If this AFHMP is for a new project, select “Initial Plan” and list the date the plan is being submitted. If this is an update to an existing plan, select “Updated Plan” and list the date that the plan is being submitted. If you select “Updated Plan,” include a reason for the update, <i>e.g.</i> over five years old, new management agent, addition or removal of community contacts, etc.
2b.	Select the occupancy type of the project (exclusively elderly/family/elderly & disabled/ exclusively disabled). If uncertain, contact the project manager assigned to your project.
2c.	List the date of initial occupancy (existing projects will have a past date; new projects will list an anticipated date).
2d.	List the date that you plan to begin advertising. This date should be at least 90 days prior to initial occupancy for new projects. For existing projects, indicate the date advertising will begin and also indicate the purpose of the advertising, <i>e.g.</i> , to fill vacancies, add applicants to a waiting list or reopen an existing waiting list. Also, provide the number of applicants currently on any waiting list.

3a.

Applicants must utilize Worksheet 1 to complete this box. Worksheet 1 is designed to assist you in identifying which groups of applicants might need additional outreach to apply for housing at your project. Omitting this data will result in the plan being returned as incomplete.

1. **Project %:** List % of individuals from each demographic category that reside in the project.
2. **Waiting list %:** list % of individuals from each demographic category that are on the project's waiting list.
3. **Census Tract %:** List % of individuals from each demographic category that reside in the project's census tract. Note: to obtain the most meaningful information, use demographic data for those who would be eligible for housing in your designated area. For example, if your facility is for seniors, the census information should be limited to seniors in your area. Subsets of demographic information can be obtained by various categories, e.g., age, income, etc. Information can be obtained by using the American Fact Finder tool at the census website. You can reach this tool by going to this link: <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>
4. **Housing Market Area %:** List % of individuals from each demographic category that reside in the project's housing market area (where the applicants are expected to be drawn from). Demographic data for this area should be obtained by reviewing the census data.
5. **Expanded Housing Market Area %:** (if applicable) List % of individuals from each demographic category that reside in the projects Expanded Housing Market Area (larger region from which to pull applicants). Note: Expanded Housing Market Areas should be utilized if the standard housing market area is not diverse enough to attract demographic groups who may be underrepresented as tenants at the project or underrepresented on the waiting list. If the current occupancy AND waiting list AND Housing Market Area are not demographically diverse, applicants MUST utilize an Expanded Housing Market Area.

3b.	Based on the data listed in Worksheet 1, indicate which groups are in need of additional outreach to apply for housing at the project. Please Note: This determination can be made by Comparing the Project and Waiting list % against the Census and Housing Market Area %. Is EACH group in the community appropriately represented in the project or on the waiting list? If so, then that particular group does not need extra outreach to apply. However, if the Project and Waiting List % is less than the % in the general community, that particular group does need additional outreach and should be checked in box #3b.
4a.	Indicate if you are requesting or have been previously approved for a residency preference.
4b.	<p>Applicants must utilize Worksheet 3 to complete this box. List a Specific community contact for EACH group identified in box#3b as needing extra outreach. Please Note: If generic phrases such as “All/Mixed” are used under “target population” or this data is omitted, the AFHMP will be returned as incomplete.</p> <ol style="list-style-type: none"> 1. Targeted Population: List EACH group listed under Box#3b as needing extra outreach to apply for housing. 2. Community Contacts: List specific community contacts for EACH group listed under Box#3b. Please Note: Generic community contacts (housing authorities, DHHR etc.) are NOT generally acceptable community contacts but they may be used in addition to listed acceptable community contacts. <ol style="list-style-type: none"> a. List the Agency name. b. List the contact person and their position at the Agency. c. List their address, phone and email. d. Explain the Agency’s experience with the targeted population. e. how they will assist you in informing the targeted population about the project’s housing availability. f. Provide the anticipated date on which they will begin to contact the targeted population.
4c.	Applicants must utilize Worksheet 4 to complete this box. List SPECIFIC methods of advertising that will be used to reach EACH group identified in Box#3b as needing extra outreach. Applicants must attach examples of the advertising with this plan.

	<ol style="list-style-type: none"> 1. Method of Advertising: List names of newspaper, radio stations, TV stations, electronic media, bulletin boards, brochures/notices/flyers, as applicable, which will be utilized in marketing efforts. 2. Targeted Population: For each method of advertising, please list the targeted audience, state any language(s) other than English that the information will be provided, and identify any alternative format(s) used, e.g. Braille, large print. Please Note: Though there can be a variety of populations in the audience of a given medium, generic words such as "All/Mixed" should not be used. Be specific. If generic words are used or this information is omitted, the AFHMP will be returned as incomplete.
5a.	Check off each location where the Fair Housing Poster will be displayed.
5b.	Check off each location where the AFHMP will be made available for public inspection.
5c.	Check off each location where the project sign will be displayed, as well as list the size of the Equal Housing Opportunity logo, slogan, or statement on the sign.
6	Explain the process for evaluating the marketing efforts noted in this plan. How often will the effectiveness of the plan be evaluated? (minimum annually) If it is determined that the plan is not successful, describe steps that will be taken to modify the plan as needed.
7a.	List the name and position of the staff that will be responsible for marketing efforts.
7b.	Fill in the required information regarding staff training on the AFHMP, Fair Housing and on overall tenant selection. Please Note: While one person may be the responsible party for marketing efforts all staff must be trained and be familiar with the AFHMP and Fair Housing Act requirements. This training component will play a major role in the assessment of whether you are making good faith efforts to educate your staff and implement your plan.
7c.	Fill in the required information regarding staff training on the AFHMP, Fair Housing and on overall tenant selection. Please Note: While one person may be the responsible party for marketing efforts all staff must be trained and be familiar with the AFHMP and Fair Housing Act requirements. This training component will play a major role in the assessment of whether you are making good faith efforts to educate your staff and implement your plan.
7d.	Provide samples of training materials and provide dates when the training was or will be conducted. This is not limited to training received via Baltimore County Department of Planning. Owners are required to train their staff as well and this box is seeking examples of what training you provided to your staff who did not attend a HDF training session.
8.	List any additional considerations that should be noted regarding the project's marketing activities.
9.	Sign and date the form. This indicates that the owner/agent agrees to participate in an annual review of the plan and will maintain records of all marketing activities in a file at the project office.



Affirmative Fair Housing Marketing Plan Tip Sheet

Form 935.2b Single Family

BOX	INSTRUCTIONS
#	
1a.	This item is self- explanatory.
1b.	Provide the name of the development and its location including City, State and Zip Code. This is the location where you plan to build the proposed project.
1c.	Provide the development number if applicable.
1d.	Indicate how many housing units will be included with this project.
1e.	Specify the minimum and maximum prices of the housing units in this project.
1f.	Indicate whether this project is a housing development or a scattered site.
1g.	Indicate the approximate dates that advertising will begin and when the units will begin to be occupied. Note: Advertising should begin 90 days prior to the anticipated occupancy date.
1h.	List the housing market area (town/city/county) from which the developer intends to draw applicants. Usually the housing market area will be a county. If the immediate housing market area is not demographically diverse enough to draw applicants which are identified as least likely to apply then an expanded housing market area consisting of more than one county should be listed to increase the diversity of individuals to be reached by the marketing efforts.

1i.	<p>Provide Census Tract for where the project will be built. This information can be found by navigating to the URL link listed below, typing in the projects address, then click "GO". http://factfinder2.census.gov/faces/nav/jsf/pages/searchresults.xhtml?ref=addr&refresh=t</p>
1j.	<p>Provide the name, telephone number and address (city, state and zip code) of the Sales/Rental Agent. The Sales/Rental Agent cannot be the same as the applicant.</p>
2.	<p>The AFHM plan should indicate the approximate racial composition of the whole housing market area. Single family scattered site builders should submit an AFHM plan that reflects the approximate racial composition of each housing market area in which the housing will be located. Almost all areas will include a mix of some percentage. Select mixed area and provide the approximate minority percentage in this box.</p>

APPENDIX A

<http://portal.hud.gov/hudportal/documents/huddoc?id=935-2a.pdf>

APPENDIX B

<http://portal.hud.gov/hudportal/documents/huddoc?id=935-2b.pdf>